

# REQUEST FOR PROPOSALS



## COMMUNITY CHOICE AGGREGATION POWER SUPPLIES AND SERVICES

**RFP Number**

County of San Mateo Office of Sustainability

Release Date: April 4, 2016

Responses must be Received  
by 5:00 p.m. Pacific Standard Time  
on April 15, 2016

**REQUEST FOR PROPOSALS  
FOR  
SHAPED ENERGY, RENEWABLE ENERGY, CARBON FREE  
ENERGY, RESOURCE ADEQUACY CAPACITY, AND  
SCHEDULING COORDINATOR SERVICES FOR PENINSULA  
CLEAN ENERGY**

Interested vendors must register online with the County at  
[www.publicpurchase.com](http://www.publicpurchase.com)

Proposals must be submitted electronically to  
[www.publicpurchase.com](http://www.publicpurchase.com)

**By 5:00 p.m. Pacific Time on April, 15 2016**

**PROPOSALS WILL NOT BE ACCEPTED AFTER THIS DATE AND TIME**

***Note regarding the Public Records Act:***

Government Code Sections 6250 *et seq.*, the California Public Record Act, defines a public record as any writing containing information relating to the conduct of the public business. The Public Record Act provides that public records shall be disclosed upon written request and that any citizen has a right to inspect any public record unless the document is exempted from disclosure.

Be advised that any contract that eventually arises from this Request For Proposals is a public record in its entirety. Also, all information submitted in response to this Request For Proposals is itself a public record **without exception**. Submission of any materials in response to this Request For Proposals constitutes a waiver by the submitting party of any claim that the information is protected from disclosure. By submitting materials, (1) you are consenting to release of such materials by the County if requested under the Public Records Act without further notice to you and (2) you agree to indemnify and hold harmless the County for release of such information.

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## **SECTION I – GENERAL INFORMATION**

### **A. STATEMENT OF INTENT**

As outlined in more detail in Section II – Scope of Work, this Request for Proposals (“RFP”) seeks a provider of electric power products and services to fulfill the retail electricity requirements of customers who will participate in a Community Choice Aggregation (“CCA”) Program (“CCA Program” or “Program”) promoting the use of renewable and low carbon emitting energy sources throughout the County of San Mateo, California. The target start date and delivery term for the requested electric power products and services is **October 1, 2016 through December 31, 2020, subject to negotiation of a final agreement.**

### **B. BACKGROUND**

The County of San Mateo (“County”) began exploring the possibility of creating a CCA program in late 2014 with the objective to reduce greenhouse gas emissions from the use and generation of electricity while maintaining competitive electric rates for participating residential and business customers. As part of this process, the Board of Supervisors allocated funds for a technical feasibility study that was completed by Pacific Energy Advisors in October 2015. All twenty cities in the County (and the County itself) participated in this study. The technical feasibility study showed that a CCA program that met both the environmental and economic goals of the County would be feasible in consideration of current wholesale pricing for requisite energy products and services.

The County then began to educate residents, businesses and local elected officials about CCA by hosting workshops, presenting at study sessions, and developing a related website (<http://www.peninsulacleanenergy.com>). The County also convened an Advisory Committee for the program, comprised of representatives from all of the cities in the county as well as relevant stakeholder groups. The Committee met on a monthly basis to provide input on various aspects of the program.

By early February 2016, all cities in the county had individually passed resolutions providing for the formation of a Joint Powers Agency called the Peninsula Clean Energy Authority (“PCEA”), which would administer a CCA program in San Mateo County (called Peninsula Clean Energy, or “PCE”). The first meeting of the PCEA Board was held in March 2016. PCEA plans to begin a full public outreach and marketing campaign in June 2016 and plans to commence electric service to the CCA’s initial customers in October 2016.

An Implementation Plan (“Plan”) outlining PCE’s basic program features was approved by the PCEA Board of Directors on March 31<sup>th</sup>, 2016 and has been submitted to the California Public Utilities Commission for certification, consistent with applicable sections of the California Public Utilities Code. The Plan includes key

decision points for the organization, such as the retail electricity product options and the proposed phasing schedule for CCA customers.

As described in the Plan, PCE will offer two retail electricity products to participating customers: (1) a default option (minimum 50% renewable energy content); and (2) a voluntary “opt-up” option (100% renewable energy content). Once offered service, prospective customers may also opt-out of the CCA program, continuing to receive electric generation service from the incumbent utility, Pacific Gas & Electric Company (“PG&E”).

The County anticipates that there will be a phased implementation approach to CCA service delivery, meaning that various prospective customers of the CCA program will be enrolled over time. Such a phase-in process may take one or more years, subject to financial and administrative considerations. Pacific Energy Advisors—the County’s technical consultant—in cooperation with County staff and elected leadership has developed a phase-in schedule, which would include approximately 60,000 electric accounts in phase one (comprised of residential, municipal, and all small/medium business accounts), commencing in/around October 2016. The second phase is expected to occur six months after the first, commencing in spring 2017, and will include roughly 80,000 additional customers. Following the successful implementation of phases one and two, commencement of the final phase will occur approximately six months thereafter (Fall 2017) and will include all remaining prospective customers (~100,000 additional accounts). However, it is worth noting that these numbers reflect projected opt-out rates; actual customer participation may vary from such projections, resulting in final customer counts that may be higher or lower than the aforementioned totals. For additional details related to PCE’s opt-out rate projections and sensitivity analyses, as well as other information related to the expected operations of the PCE program, please see the Peninsula Clean Energy CCA Technical Study (Enclosure 7).

The products and services requested in this RFP include: (1) shaped energy; (2) renewable energy; (3) carbon free energy; (4) resource adequacy capacity; and (5) scheduling coordinator services.

### **C. THE REQUEST FOR PROPOSAL PROCESS**

This RFP seeks the submission of proposals to provide the requested electric power products and services from qualified proposers. The County of San Mateo seeks by way of this RFP to obtain the listed services in a manner that maximizes the quality of services while also maximizing value to the County and, by extension, the citizens of the County. Proposers must be able to show that they are capable of performing the services requested. Such evidence includes, but is not limited to, the proposer’s demonstrated competency and experience in delivering services of a similar scope and type and local availability of the proposer’s personnel and resources.

## **SECTION II – SCOPE OF WORK**

### **A. DESCRIPTION**

The energy supply products and services being requested under this solicitation are described below.

#### **1. Shaped Conventional Energy**

All electric energy requirements associated with the PCE customer accounts included within the first phase of customer enrollments. The selected supplier shall be responsible for electric energy delivery to the PG&E Load Aggregation Point (“Delivery Point”), as defined by the California Independent System Operator (“CAISO”). Proposers should shape conventional energy deliveries to match the projected hourly load profile of PCEA (profiles can be located in Exhibit A provided in the Bid Workbook).

Proposers must describe whether they intend to source the requested conventional energy supplies from: 1) generating units owned by the proposer; 2) generating units controlled under contract (and identified as specified generating sources to PCE); and/or 3) unspecified/market sources (information to be provided in Exhibit E of the Bid Workbook). Where possible, any specified generating sources to be used in fulfilling delivery of the proposed power supplies must be identified by the proposer or be identified as “to be determined” in the proposer’s bid materials.

#### **2. Renewable Energy**

Energy from qualifying renewable resources that meet the eligibility criteria established under California’s Renewables Portfolio Standard (“RPS”) program (also known as “Eligible Renewable Resources”), as published and occasionally updated by the California Energy Commission (“CEC”). Eligible Renewable Resources, as defined by the CEC, generally include electric generators utilizing one or more of the following technologies: wind, small hydroelectric (30 MW or less), geothermal, biogas including landfill gas, digester gases and gas conversion or gasification technologies, direct combustion biomass, biodiesel power producing facilities, photovoltaic, solar thermal, fuel cells using eligible renewable fuels, qualifying municipal solid waste conversion, tidal current, ocean wave, and ocean thermal technology. PCEA seeks proposals that include renewable energy products meeting the delivery requirements established for Portfolio Content Category 1 (“PCC1”) and Portfolio Content Category 2 (“PCC2”), as defined under California’s RPS program. The specific annual volumes of PCC1 and PCC2 renewable energy are provided in Exhibit B of the Bid Workbook. PCEA expects that all renewable energy certificates associated with the requested renewable energy product volumes will be timely transferred by the proposer to PCEA via the Western Renewable Energy Generation Information System (“WREGIS”).

PCEA has a need for renewable energy to meet its RPS procurement obligations (“Compliance Renewable Energy”) and renewable energy to meet its own, voluntary renewable energy procurement requirements (“Voluntary Renewable Energy”), which are expected to exceed applicable Compliance

Renewable Energy mandates. PCEA requires Compliance Renewable Energy that meets all requirements of California's RPS; however, with respect to the SB1X categorical limitations/requirements, the PCEA will rely on the exclusive use of PCC1 and PCC2 resources. PCEA requires Voluntary Renewable Energy volumes to supplement the requested Compliance Renewable Energy volumes in order to achieve the following portfolio objectives: 1) an overall initial 50% renewable energy content for PCE's Standard Tariff product; and 2) 100% renewable energy content for customers participating in PCE's voluntary renewable energy product option. Voluntary Renewable Energy will be met with both PCC1 and PCC2 Eligible Renewable Resources.

PCEA has a strong preference for Local renewable energy resources but may also consider purchases of bundled energy and renewable attributes from regionally located renewable generating resources. For purposes of this solicitation, Local renewable resources are defined as those resources located within the County of San Mateo's geographic boundaries. Local resources will be scored with the highest possible point rating during the PCEA's evaluation of RFP responses. Regional renewable resources are defined as resources located outside of the County of San Mateo but within the Northern California CAISO Zone, North-of-Path 15 ("NP 15"), including all counties within this region as well as portions of Monterey, San Benito, Fresno, Tulare and Inyo counties. Regional resources will receive evaluative preference (i.e., higher point ratings) based on relative proximity to the County. Other renewable resources, which include resources not previously defined as Local or Regional, may be proposed in response to this solicitation but will receive reduced point ratings in consideration of the relative proximity of such resources to the County. Proposed power supplies that include Local renewable resources will be given preference over those containing remotely located resources as further described in the Evaluation Criteria.

### 3. Carbon Free Energy

In order for PCEA to meet its annual carbon reduction targets, it seeks bids for additional carbon free energy volumes to supplement the aforementioned renewable energy volumes. For purposes of this solicitation, carbon free energy will be limited to unit-specific hydroelectricity produced by California-based or regional generators (located within the Western Electricity Coordinating Council and deliverable to California) and accompanied by sufficient documentation that will substantiate the PCEA's inclusion of such volumes under the reporting requirements of California's Power Source Disclosure Program, including related hydroelectricity claims on the PCEA's annual Power Content Label. All carbon free energy shall be scheduled for delivery to the CAISO in a manner that reduces financial risks to the PCEA while ensuring that any/all GHG emissions benefits associated with such carbon free volumes are retained by PCEA. Annual carbon free energy volumes are provided in Exhibit C of the Bid Workbook.

### 4. Resource Adequacy Capacity

PCEA seeks bids for resource adequacy ("RA") capacity satisfying applicable requirements for the following capacity products: (1) NP 15 System RA; (2) Local RA; and (3) Flexible RA. Qualifying capacity will be determined by the

most recent CAISO rating of generating units for RA purposes and include any flexible capacity attributes. RA products are to be provided/scheduled over a minimum term of fifteen (15) months commencing in October 2016. Local RA is to be provided/scheduled from resources located within the PG&E “Greater Bay Area” and the “Other PG&E” local capacity areas, as specified in Exhibit D of the Bid Workbook.

#### **5. Scheduling Coordination Services**

All CAISO interface services, which includes the submission to the CAISO of all schedules and meter data reports required to be filed by the Scheduling Coordinator (“SC”) for the meters enrolled in the Program, and the submission of schedules, bids and other required information for PCEA’s shaped energy, renewable energy, carbon free energy and RA in accordance with the obligations of an SC as defined by the CAISO.

SC services include short-term forecasting of load (i.e., week-ahead, day-ahead, and hour-ahead), scheduling load into the CAISO day-ahead market, validating CAISO statements for load settlements, minimizing and managing real-time imbalance exposure, as well as managing a Congestion Revenue Rights (“CRR”) portfolio and bidding into the various CRR auctions. PCEA is not requesting generation scheduling services as part of this RFP, but all proposers must possess the capability and experience to schedule future PCEA renewable generation projects into the CAISO market. Additionally, the SC will be required to submit regulatory and compliance filings, such as monthly RA compliance reports, to the CAISO on behalf of PCEA.

It is also expected that the SC will be responsible for satisfying the various CAISO financial requirements and obligations (i.e., collateral obligations).

### **B. LENGTH OF AGREEMENT**

The anticipated duration of the agreement will be a minimum thirty-nine month term, but proposers may offer extended term lengths up to fifty-one months in duration. The term of agreement shall begin on October 1, 2016.

Proposers should note that while the County of San Mateo is administering this RFP, the final contract will be negotiated and executed with PCEA.

### **C. ADDITIONAL REQUIREMENTS/CONSIDERATIONS**

#### **1. Proposals shall specify the following pricing criteria:**

- For shaped conventional power, bids are to be provided as a fixed \$/MWh price for each calendar year (or portion thereof) of the proposed contract term for delivery to the delivery point defined as DLAP\_PGAE-APND by the CAISO.
- For renewable energy, bids are to be provided as a fixed \$/MWh price premium (expressed as an adder on top of the shaped conventional energy price) for each calendar year (or portion thereof) of the proposed contract term.
- For carbon free energy, bids are to be provided as a fixed \$/MWh price premium (expressed as an adder on top of the shaped conventional energy price) for each calendar year (or portion thereof) of the proposed contract term.



- For resource adequacy capacity, bids are to be provided as a fixed \$/kW-month price for each calendar year of the proposed contract term.
  - For SC services, bids are to be provided as a fixed \$/MWh price over the entire contract term. PCEA anticipates that the fixed \$/MWh price for SC services would be applied to PCEA's monthly usage as reported to the CAISO (SC payments by PCEA would be based on the initial CAISO statements as well as all CAISO resettlement statements thereafter).
2. Proposers offering to provide energy products must be certified by CAISO as an SC, or must put forward a certified SC that will be responsible for scheduling loads and resources under the proposal. *If the proposer is not a certified CAISO SC and will be putting forward a third-party to serve in this capacity, PCEA will require these proposers to submit responses that are co-signed by the anticipated SC, verifying the intended business relationship and the anticipated scope of services to be provided.*
  3. Energy product proposals must describe the proposed sources of power supply (Exhibit E of the Bid Workbook), including resources that will be used to fulfill PCEA's conventional power requirements, RPS requirements, carbon free energy requirements and resource adequacy reserves in compliance with the California Public Utilities Commission's and CAISO's resource adequacy standards. Proposals must describe whether electricity would be provided from generation owned by the proposer, obtained under long-term contracts, obtained under short-term contracts and/or spot market purchases. Sufficient information regarding anticipated renewable resource use must be provided by the proposer to facilitate PCEA's determination regarding generator eligibility under California's RPS program and PCEA's locational resource preferences.
  4. Proposals must include a description of the proposed invoicing process, including anticipated timelines for PCEA payment delivery. PCEA is requesting proposals that provide for monthly invoices to be delivered no later than the fifteenth day of the month for products/services provided during the previous calendar month; payments would be due and payable on the twenty-fifth day of the month following the month in which such invoice was delivered.
  5. Energy product proposals must accommodate and include proposed terms for the integration/substitution of electric energy produced by renewable generating facilities that may be owned and/or controlled by PCEA throughout the prospective contract term.
  6. All proposals must indicate the date after which the proposed prices are no longer valid and subject to re-pricing.
  7. For all renewable energy purchased by PCEA, the supplier shall complete regular (i.e., monthly) certificate transfers via the WREGIS system. Through such transfers, all Environmental Attributes and Renewable Energy Certificates associated with PCEA's renewable energy purchases shall be conferred to PCEA, evidencing that PCEA has exclusive rights to the Environmental Attributes/Renewable Energy Certificates. E-tag documentation for PCC2 shall not associate any PCC2 delivered volumes with generators utilizing coal or nuclear fuel sources.

8. Delivery of carbon free volumes shall be documented through use of the CAISO inter-scheduling coordinator trade process or through appropriate identification of PCEA as the buyer on corresponding e-tags for imports into the CAISO balancing area, or other evidence sufficient to document delivery of carbon free energy volumes to PCEA.
9. The proposer or any guarantor must provide the following:
  - Audited financial statements from the prior two years of operations or a web address where such information may be accessed by the PCEA.
  - If available, a credit rating from two of the following: Standard & Poors, Moody's, or Fitch Investor Services from the most recent rating agency report.

### **SECTION III – GENERAL TERMS AND CONDITIONS**

**Read all Instructions.** Read the entire RFP and all enclosures before preparing your proposal.

**Proposal Costs.** Costs for developing proposals are entirely the responsibility of the proposer and shall not be charged to the County or otherwise reimbursed by the County.

**Proposal Becomes County Property.** The RFP and all materials submitted in response to this RFP will become the property of the County.

**Questions and Responses Process.** Submit all questions relating to this RFP to the designated questions field associated with this RFP at [publicpurchase.com](http://publicpurchase.com).

All questions must be received no later than 5:00 p.m. on April 11, 2016.

All questions and responses will be posted to [publicpurchase.com](http://publicpurchase.com).

If changes to the RFP are warranted, they will be posted to the [publicpurchase.com](http://publicpurchase.com) website. It is the responsibility of each proposer to check the website for changes and/or clarifications to the RFP prior to submitting a response. A proposer's failure to do so will not provide a ground for protest.

**Alteration of Terms and Clarifications.** No alteration or variation of the terms of this RFP is valid unless made or confirmed in writing by the County. Likewise, oral understandings or agreements not incorporated into the final contract are not binding on the County.

If a proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the proposer must immediately notify the County of such error in writing and request modification or clarification of the document. If a proposer fails to notify the County of an error in the RFP prior to the date fixed for submission, the proposer shall submit a response at his/her own risk, and if the proposer enters into a contract, the

proposer shall not be entitled to additional compensation or time by reason of the error or its later correction.

Modifications or clarifications to the RFP will be posted to the [publicpurchase.com](http://publicpurchase.com) website as outlined above without divulging the source of the request for same. The County may, at its discretion, also give electronic notice by email to all parties who have notified the County of their electronic contact information in response to this RFP, but no party that fails to receive email notice has any basis for protest given that all clarifications will be available online. It is the obligation of all proposing parties to check the [publicpurchase.com](http://publicpurchase.com) website for updates regarding the RFP if they wish to be kept advised of clarifications prior to submitting a proposal.

**Selection of Provider(s)**. The selection of a provider will be memorialized in the form of a “County Agreement with Independent Contractor” (see the enclosed sample template), authorized by a resolution of the County Board of Supervisors and signed by both parties.

The County reserves the right to reject any or all proposals without penalty. The County’s waiver of any deviation in the proposal shall in no way modify the RFP documents or excuse the proposer from full compliance with any eventual contract.

Once a provider is selected, the Agreement with that provider must still be negotiated and submitted to the San Mateo County Board of Supervisors for approval, and there is no contractual agreement between the selected provider unless and until the Board of Supervisors accepts and signs the Agreement. Selection of a proposal for negotiation of contract terms and eventual submission to County leadership by way of an Agreement does not constitute an offer, and proposers acknowledge by submission of a proposal that no agreement is final unless and until approved by the Board of Supervisors.

**Equal Benefits**. With respect to the provision on employee benefits, contractor/ provider must comply with the County Ordinance prohibiting discrimination in the provision of employee benefits between a full-time employee with a registered domestic partner and one with a spouse. See attached materials.

**Jury Duty**. The contractor must comply with the County Ordinance requiring that the contractor have and adhere to a written policy that provides its full-time employees who live in San Mateo County with no fewer than five days of regular pay for actual jury service in San Mateo County. This policy may provide that employees deposit any fees received for such jury service with the contractor or that the contractor deduct from the employee’s regular pay the fees received for jury service. See the Jury Service Requirements Chapter 2.85 of the Ordinance Code of San Mateo County enclosure. If the proposer has no employees that qualify for jury duty in San Mateo County, the proposer may satisfy this requirement by providing the County with written confirmation of the fact that (1) it has no such employees and (2) it will comply with the jury service pay ordinance with respect to any future qualifying employees.

**Insurance.** The County has certain insurance requirements that must be met. In most situations those requirements include the following: the contractor must carry \$1,000,000 or more in comprehensive general liability insurance; the contractor must carry motor vehicle liability insurance, and if travel by car is a part of the services being requested, the amount of such coverage must be at least \$1,000,000; if the contractor has two or more employees, the contractor must carry the statutory limit for workers' compensation insurance; if the contractor or its employees maintain a license to perform professional services (e.g., architectural, legal, medical, psychological, etc.), the contractor must carry professional liability insurance; and generally the contractor must name the County and its officers, agents, employees, and servants as additional insured on any such policies (except workers compensation). Depending on the nature of the work being performed, additional requirements may need to be met.

**Incomplete Proposals May be Rejected.** If a proposer fails to satisfy any of the requirements identified in this RFP, the proposer may be considered non-responsive and the proposal may be rejected.

**Contact With County Employees.** As of the issuance date of this RFP and continuing until the final date for submission of proposals, all proposers are specifically directed not to hold meetings, conferences, or technical discussions with any County employee for purposes of responding to this RFP except as otherwise permitted by this RFP. Any proposer found to be acting in any way contrary to this directive may be disqualified from entering into any contract that may result from this RFP.

Proposers should submit questions or concerns about the process as stated above. The proposer should not otherwise ask any County employees questions about the RFP or related issues, either orally or by written communication, unless invited to do so.

**Group Purchasing Organization Participation.** Proposers should keep in mind that the County is a participant in more than one Group Purchasing Organization (GPO), and this RFP is open to those who provide services under a GPO. Proposers should ensure their proposals are as competitive as possible while also providing the highest quality services in order to be considered a viable provider for the listed services. The County reserves the right to use a GPO provider if doing so is in the County's best interest, as determined solely by the County, even if that provider does not submit a proposal in response to this RFP.

**Travel Costs.** If the services requested will require you or your employees to travel to the Bay Area, and if the County opts to permit travel expenses to be reimbursed, there are some general guidelines regarding reimbursement rates that will apply. In general, the following restrictions should be kept in mind: reimbursement for the actual cost of lodging, meals, and incidental expenses ("LM&I Expenses") is limited to the then-current Continental United States ("CONUS") rate for the location of the work being done (San Mateo/Foster City/Belmont, California), as set forth in the Code of Federal Regulations

and as listed by the website of the U.S. General Services Administration (available online by searching [www.gsa.gov](http://www.gsa.gov) for the term 'CONUS'); airline and car rental travel expenses ("Air & Car Expenses") are limited to reasonable rates obtained through a cost-competitive travel service (for example, a travel or car-rental website), with air travel restricted to coach fares and car rental rates restricted to the mid-level size range or below; and certain other reasonable travel expenses ("Other Expenses") such as taxi fares, parking costs, train or subway costs, etc. may be reimbursable on an actual-cost basis. You should not assume that the County will permit travel from the Bay Area to be reimbursed, and your proposal should include such travel costs if applicable. Travel costs should be minimized or eliminated in order for a proposal to be competitive.

**Miscellaneous.** This RFP is not a commitment or contract of any kind. The County reserves the right to pursue any and/or all ideas generated by this RFP. The County reserves the right to reject any and all proposals and/or terminate the RFP process if deemed in the best interest of the County. Further, while every effort has been made to ensure the information presented in this RFP is accurate and thorough, the County assumes no liability for any unintentional errors or omissions in this document. The County reserves the right to waive or modify any requirements of this RFP when it determines that doing so is in the best interest of the County. Finally, the County may revise or clarify aspects of the required services after proposals are submitted by communicating directly to some or all of the providers that submitted proposals.

## **SECTION IV – REQUEST FOR PROPOSALS PROCEDURE**

This section describes the general RFP procedure used by the County, and the remaining sections of this RFP list detailed requirements.

### **A. TENTATIVE SCHEDULE OF EVENTS**

<b>EVENT</b>	<b>DATE</b>
Release Request for Proposals	April 4, 2016
Questions Submitted to County Deadline	April 11, 2016
Release Responses to Questions	April 13, 2016
Proposal Deadline	April 15, 2016
Short Listing and Notification for Interviews <sup>(1)</sup>	April 19, 2016
Conduct Interviews <sup>(1)</sup>	April 26, 2016
Final Selection and Contract Negotiations Begin <sup>(1)</sup>	May 2, 2016
Protest Deadline <sup>(1)</sup>	May 9, 2016
Master Agreement Execution	June 9, 2016

Best and Final Offer	June 10, 2016
Confirmation(s) Execution <sup>(1)</sup>	June 10, 2016

(1) Dates are subject to change

## B. SUBMISSION OF PROPOSALS

**Provider/Service Provider Registration:** Providers/service providers interested in responding to this RFP must register online with the County of San Mateo at [www.publicpurchase.com](http://www.publicpurchase.com). The County will not be held responsible for, or held liable for registration errors.

**Proposal:** The RFP response will be submitted electronically to [www.publicpurchase.com](http://www.publicpurchase.com) by 5:00 p.m. Pacific Standard Time on April 15, 2016.

All responses must be received by the stated date and time in order to be considered for award. The County will not be responsible for and may not accept late proposals due to slow internet connection, or for any other electronic failure (including but not limited to information transmission and internet connectivity failures) of the [publicpurchase.com](http://publicpurchase.com) system.

By submitting a proposal, each proposer certifies that its submission is not the result of collusion or any other activity which would tend to directly or indirectly influence the selection process. The proposal will be used to determine the proposer's capability of rendering the services to be provided. The failure of a proposer to comply fully with the instructions in this RFP may eliminate its proposal from further evaluation as determined in the sole discretion of the County. The County reserves the sole right to evaluate the contents of proposals submitted in response to this RFP and to select a contractor, if any.

Proposals received late will not be opened or given any consideration for the proposed services unless doing so is deemed to be in the best interest of the County, as determined in the sole discretion of the County.

## C. CONFIDENTIALITY OF PROPOSALS

California Government Code Sections 6250 et seq. (the "California Public Records Act" or the "Act") defines a public record as any writing containing information relating to the conduct of the public business. The Act provides that public records shall be disclosed upon written request and that any citizen has a right to inspect any public record unless the document is exempted from disclosure. The materials submitted in response to this RFP are subject to the California Public Records Act.

Be advised that any contract that eventually arises from this RFP is a public record in its entirety. Also, all information submitted in response to this RFP is itself a public record without exception. Submission of any materials in response to this RFP constitutes a waiver by the submitting party of any claim that the information is protected from disclosure. By submitting materials, (1) you are consenting to release of such materials

by the County if requested under the Public Records Act without further notice to you and (2) you agree to indemnify and hold harmless the County for release of such information.

If the County receives a request for any portion of a document submitted in response to this RFP, the County will not assert any privileges that may exist on behalf of the person or entity submitting the proposal, and the County reserves the right to disclose the requested materials without notice to the party who originally submitted the requested material. To the extent consistent with the Public Records Act and applicable case law interpreting those provisions, the County and/or its officers, agents, and employees retain discretion to release or withhold any information submitted in response to this RFP.

Submission of a proposal constitutes a complete waiver of any claims whatsoever against the County and/or its officers, agents, or employees that the County has violated a proposer's right to privacy, disclosed trade secrets, or caused any damage by allowing the proposal to be inspected.

#### **D. PROPOSAL EVALUATION**

All proposals received will be evaluated by an RFP Evaluation Committee. During the evaluation process, the County may require a proposer's representative to answer specific questions orally and/or in writing. The County may also require a visit to the proposer's offices, other field visits or observations by County representatives, or demonstrations as part of the overall RFP evaluation. Once a finalist or group of finalists is selected, additional interactions or information may be required. The most qualified individual or firm will be recommended by the RFP Evaluation Committee based on the overall strength of each proposal, and the evaluation is not restricted to considerations of any single factor such as cost.

Responses to this RFP must adhere to the format for proposals detailed in Section V - PROPOSAL SUBMISSION REQUIREMENTS. The criteria used as a guideline in the evaluation will include, but not be limited to, the following:

- Qualifications and experience of the entity, including capability and experience of key personnel and experience with other public and/or private agencies to provide these services
- History of successfully performing services for public and/or private agencies and other CCA's
- Financial viability of proposer
- Reliability and environmental attributes of proposed power supply, including the anticipated fuel source(s) associated therewith
- Use of local renewable energy resources
- Ability to support achievement of quantifiable demand reductions (e.g. energy efficiency savings, conservation, load interruption, demand response, etc.), as demonstrated by the proposer

- Proposed approach, including clarity of understanding of the scope of services to be provided and appropriateness of the proposed solution/services
- Ability to meet any required timelines or other requirements
- Existence of and circumstances surrounding any claims and violations against you or your organization
- Cost to the County for the primary services described by this RFP
- References
- Compliance with County RFP and contractual requirements

The County may consider any other criteria it deems relevant, and the Evaluation Committee is free to make any recommendations it deems to be in the best interest of the County. Inaccuracy of any information supplied within a proposal or other errors constitute grounds for rejection of the proposal. However, the County may, in its sole discretion, correct errors or contact a proposer for clarification.

Note that the County reserves the right to evaluate proposals solely based on each provider's written submission. In relation to written materials, evaluation will be performed only on the material included directly in the proposal itself unless otherwise indicated or requested by the County. Your proposal must be complete without relying on external websites, sales brochures, marketing materials or white papers.

The County reserves the right to accept proposals other than those with lowest costs.

#### **E. PROPOSAL RECOMMENDATION**

The Evaluation Committee will recommend a provider or providers or may recommend that the proposals be rejected. The County will then make its own decision as to whether to accept or reject the recommendations from the Evaluation Committee. Ultimate acceptance or rejection of the recommended proposal and execution of a contractual agreement is the independent prerogative of the County, notwithstanding any recommendations made by the Evaluation Committee. The County reserves the right to negotiate with any provider to finalize an agreement in relation to the proposer's response.

#### **F. NOTICE TO PROPOSERS**

The County is not required to give notice to proposers in any specific format or on any particular timeline. At some point prior to execution of a final agreement for the requested services, the County will notify those who submitted proposals of their non-selection. Proposers may be notified at different times depending on the needs of the County.

#### **G. PROTEST PROCESS**

If a proposer desires to protest the selection decision, the proposer must submit by facsimile or email a written protest within five (5) business days after the delivery of the notice about the decision. The written protest should be submitted to the Director of Sustainability as outlined below. Protests received after the deadline will not be accepted. Protests must be in writing, must include the name and address of the proposer and the



RFP number, and must state all the specific grounds for the protest. A protest that merely addresses a single aspect of the selected proposal (for example, comparing the cost of the selected proposal in relation to the non-selected proposal) is not sufficient to support a protest. A successful protest will include sufficient evidence and analysis to support a conclusion that the selected proposal, taken as a whole, is an inferior proposal.

The County will respond to a protest within five (5) business days of receiving it, and the County may, at its election, set up a meeting with the proposer to discuss the concerns raised by the protest. The decision of the County will be final. The protest letter must be sent as follows:

Jim Eggemeyer  
Director, Office of Sustainability  
[jeggemeyer@smcgov.org](mailto:jeggemeyer@smcgov.org)

## **SECTION V – PROPOSAL SUBMISSION REQUIREMENTS**

The proposal should be submitted in the following format:

### **A. GENERAL INSTRUCTIONS**

All proposals should be typewritten or prepared on a computer and have consecutively numbered pages, including any exhibits, charts, and/or other attachments.

All proposals should adhere to the specified content and sequence of information described by this RFP.

Submit one (1) complete electronic (PDF, Microsoft Word document, etc.) version of your proposal and any required attachments to the County via [www.publicpurchase.com](http://www.publicpurchase.com) per the instructions found on the [publicpurchase.com](http://publicpurchase.com) website.

### **B. COVER LETTER**

Provide a one page cover letter on your letterhead that includes the address, voice and facsimile numbers, and e-mail address of the contact person or persons. List the name and title of each person authorized to represent the proposer in negotiations.

Unless the proposer is an individual, all proposals must be signed with a firm/company/partnership/entity name and by a responsible officer or employee indicating that officer or employee's authorization to commit the proposer to the terms of the proposal. Obligations assumed by such signature must be fulfilled.

### **C. SPECIFIED CONTENT AND DETAILED SEQUENCE OF INFORMATION IN THE RFP**

Proposers are required to provide indicative bids for each of the energy products and services by populating the Bid Workbook, which is included as an attachment to the RFP. The exhibits included in the Bid Workbook are as follows:

- Exhibit A – Shaped Energy
- Exhibit B – Renewable Energy
- Exhibit C – Carbon Free Energy
- Exhibit D – Resource Adequacy
- Exhibit E – Planned Resources

By completing the Bid Workbook, PCEA can most effectively and efficiently evaluate all of the proposals.

Each proposal should include sections addressing the following information in the order shown in the following section. The proposer should be sure to include all information that it feels will enable the Evaluation Committee and, ultimately, the County to make a decision. Failure of the proposer to provide specific, detailed information may result in its proposal being rejected in favor of a sufficiently-detailed proposal. Any necessary exhibits or other information, including information not specifically requested by this RFP but that you feel would be helpful, should be attached to the end of the proposal. The party submitting the materials should keep in mind the limitations on confidential information described in Section IV.

#### **D. TABBING OF SECTIONS**

##### **TAB 1 Qualifications and Experience:**

- 1) Provide a statement of qualifications for your organization, including an organization chart, a statement of the size of firm, a description of services provided by your organization, and a statement of the extent of experience/history providing the services requested by this RFP.
- 2) How many full time employees (FTEs) do you plan to assign to this project if you are selected?
- 3) How many people in total are employed by your company? Delineate between employees and consultants.
- 4) If applicable, list the professional qualifications for each individual that would be assigned to provide services requested by this RFP, including date and educational institutions of any applicable degrees, additional applicable training, and any professional certifications and/or licensing. In lieu of listing this information, you may submit a resume or curriculum vitae for each such individual if the resume/CV includes all the requested information.

##### **TAB 2 Philosophy and Service Model:**

This section describes your philosophy and service model for meeting the services required by this RFP. Relevant considerations include the quality and feasibility of your approach to meeting these needs, the manner in which you plan to provide adequate staffing (including planning for absences and back-up coverage, training, background

checks, and staff monitoring, etc.), and equipment or other resources provided by you (if applicable). Keep these considerations in mind as you respond to the following:

- 1) Describe how you will fulfill the needs of the County described in this RFP. Attach a project plan, if appropriate.
- 2) List your needs for physical space and/or equipment at the County during this engagement, if any, aside from space or equipment that would be provided by the County as an obvious aspect of the requested services (for example, space to treat patients, computers to document services, etc.).
- 3) Identify how you will meet all other aspects of the scope of work and related requirements stated above. List any items that you cannot provide.
- 4) Describe the measurements/metrics/deliverables/assessments that you will provide on at least an annual basis to allow the County to assess the services you will provide.
- 5) Provide information on any other pertinent services, if any, that you will offer that will reduce costs or enhance revenue for the County.

**TAB 3 Customer Service:**

- 1) How will your services meet the needs of County customers and/or the public?
- 2) In the event of a routine problem, who is to be contacted within your organization?
- 3) In the event of the identification of a problem by the County, its clients/patients, and/or other applicable constituents, describe how you will address such problems and the timeframe for addressing them.

**TAB 4 Claims, Licensure, Non-Discrimination, and Health Insurance Portability and Accountability Act (HIPAA) Violations Against Your Organization:**

List any current licensure, HIPAA, non-discrimination claims against you/your organization and those having occurred in the past five years, especially any resulting in claims or legal judgments against you.

**TAB 5 Cost Analysis and Budget for Primary Services:**

- 1) Provide a detailed explanation for all costs associated with your providing the requested services if you are selected.
- 2) Is travel time to the County expected to be billable? If so, how will travel time invoices be calculated? Generally, proposals that do not include travel time or expenses are preferred unless the services requested require travel as part of the service.
- 3) Include start-up costs if any.

**TAB 6 Cooperative Purchasing:**

- 1) State whether the resultant contract can be extended to other San Mateo County departments and/or public agencies in the San Francisco Bay area upon their request. Your response to this inquiry will not affect the selection decision unless other factors are deemed to be equal by the County.
- 2) List any additional services that you foresee may be necessary, if any, and list the proposed costs for such services.

**TAB 7 Quality/Program Evaluation:**

Each program may have specific quality/evaluation issues, below are some examples:

- 1) Describe the Quality Improvement plan. The plan should include a description of utilization review, co-occurring capability development, medication monitoring, case documentation, peer review, and other issues pertaining to quality improvement mandates and policies.
- 2) Describe a contingency emergency plan.
- 3) Describe credentialing/licensing.

**TAB 8 References:**

- 1) List at least three business references for which you have recently provided similar services. Include contact names, titles, phone numbers and e-mail addresses for all references provided.
- 2) Provide at least three client/patient references, if applicable and appropriate, for whom you have provided more than occasional services. Include names, titles, e-mail addresses and phone numbers for these individuals.

**TAB 9 Statement of Compliance with County Contractual Requirements:**

A sample of the County's standard contract (including Exhibits A and B) is attached to this RFP. Each proposal must include a statement of the proposer's commitment and ability to comply with each of the terms of the County's standard contract, including but not limited to the following:

- 1) The County non-discrimination policy
- 2) The County equal employment opportunity requirements
- 3) County requirements regarding employee benefits
- 4) The County jury service pay ordinance
- 5) The hold harmless provision
- 6) County insurance requirements
- 7) All other provisions of the standard contract

In addition, the proposer should include a statement that it will agree to have any disputes regarding the contract venued in San Mateo County or Northern District of California.

The proposal must state any objections to any terms in the County's contract template and provide an explanation for the inability to comply with the required term(s). If no objections are stated, the County will assume the proposer is prepared to sign the County standard contract template as-is.

**NOTE:** The sample standard contract enclosed with this RFP is a template and does not constitute the final agreement to be prepared for the selected service provider. Do not insert any information or attempt to complete the enclosed sample contract template. Once a provider is selected, the County will work with the selected provider to draft a provider-specific contract using the template. However, each proposal should address the general terms of the standard contract as requested within this RFP.

## **SECTION VI – ENCLOSURES**

Enclosure 1 Standard County Agreement template with Contractor

Enclosure 2 Equal Benefits Program – Frequently Asked Questions

Enclosure 3 Equal Benefits Requirements Chapter 2.84 of the Ordinance Code of San Mateo County

Enclosure 4 Jury Service Requirements Chapter 2.85 of the Ordinance Code of San Mateo County

Enclosure 5 Fingerprinting Requirement Form

Enclosure 6 Attachment I: Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, as Amended